

**PROFESSIONAL LICENSURE DIVISION[645]**

**Adopted and Filed**

**Rule making related to initial licensure and licensure reactivation**

The Board of Behavioral Science hereby amends Chapter 31, “Licensure of Marital and Family Therapists, Mental Health Counselors, Behavior Analysts, and Assistant Behavior Analysts,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 154D.3.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 154D.3.

*Purpose and Summary*

This rule making changes the process of applying for endorsement by requiring an applicant to provide verification of licensure only from the jurisdiction in which the applicant was most recently licensed, by requiring an applicant to disclose public or pending complaints in any other jurisdiction, and by removing notary requirements.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 16, 2022, as **ARC 6651C**. A public hearing was held on December 7, 2022, at 8:30 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on February 16, 2023.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on May 24, 2023.

The following rule-making actions are adopted:

ITEM 1. Rescind paragraph **31.6(3)“b.”**

ITEM 2. Reletter paragraph **31.6(3)“c”** as **31.6(3)“b.”**

ITEM 3. Amend paragraph **31.8(1)“f,”** introductory paragraph, as follows:

*f.* Provides ~~verification(s)~~ verification of ~~license(s)~~ license from ~~every the~~ jurisdiction in which the applicant has most recently been licensed, sent directly from the ~~jurisdiction(s)~~ jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:

ITEM 4. Amend subrule 31.16(3) as follows:

**31.16(3)** Provide verification of current competence to practice mental health counseling or marital and family therapy by satisfying one of the following criteria:

*a.* If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the ~~license(s)~~ license from ~~every the~~ jurisdiction in which the applicant ~~is or has been licensed and is or~~ has most recently been practicing during the time period the Iowa license was inactive, sent directly from the ~~jurisdiction(s)~~ jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification from a jurisdiction’s board office if the verification includes:

1. to 4. No change.

(2) Verification of completion of 40 hours of continuing education obtained within the two years immediately preceding the application for reactivation or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation.

*b.* If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the ~~license(s)~~ license from ~~every the~~ jurisdiction in which the applicant ~~is or has been licensed and is or~~ has most recently been practicing during the time period the Iowa license was inactive, sent directly from the ~~jurisdiction(s)~~ jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification from a jurisdiction’s board office if the verification includes:

1. to 4. No change.

(2) Verification of completion of 80 hours of continuing education obtained within the two years immediately preceding the application for reactivation or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation.

[Filed 3/30/23, effective 5/24/23]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/19/23.